IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11594 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GITA VIKRAMKUMAR DAVE

Versus

UNION OF INDIA

Appearance:

MR TARESH J BHATTJI for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 20/11/2000

ORAL JUDGEMENT

1. Heard Mr. T.J. Bhattji, learned counsel appearing on behalf of the petitioner and Ms. Paurami Sheth, learned CGSC appearing on behalf of the respondents. Rule. Ms. Sheth, waives service of rule

on behalf of the respondents.

2. In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of mandamus, directing the respondent either to correct the date of birth of the petitioner in the Passport No. A-3759999 issued by the Regional Passport Officer, Ahmedabad on 2-9-1997, according to the birth certificate issued by Ahmedabad Municipal Corporation. The date of birth of the petitioner is 4-12-1956. The petitioner was earlier issued the passport, wherein her date of birth has been recorded as 8-12-1956, which is in accordance with the date of birth certificate issued by the school authority. The mistake in the school leaving certificate has not been corrected by the petitioner. However the petitioner approached the Regional Passport Officer, Ahmedabad for correcting date of birth in the passport according to the birth certificate issued by the Ahmedabad Municipal Corporation. The petitioner was informed that, the date of birth can be corrected in the passport only if any such order is passed by the Court. Accordingly the petitioner has approached this Court for a direction on the respondents for correction of the date of birth.

3. In view of the settled position that, if there is any discrepancy between the birth date recorded in the birth certificate issued by the Municipality/ Local authority and the birth date recorded by the school authority, the birth certificate issued by the school authority should not be prevailed. The Regional Passport Officer should not have have any hesitation in accepting the petitioner's request for recording the birth date in the passport on the basis of the birth certificate issued by the Ahmedabad Municipal Corportaion, at Annexure-D.

4. In view of the above discussions, the petition is allowed. Regional Passport Officer, Ahmedabad is directed to consider petitioner's request for change of date of birth in the passport in accordance with law, and on the basis of the material which may be placed before the Regional Passport Officer, Ahmedabad, more particularly the birth certificate issued by Ahmedabad Municipal Corporation at Annexure-D to the petition. The Regional Passport Officer, Ahmedabad, shall pass appropriate orders within a period of one month from the date of receipt of this order or a certified copy of this order, whichever is earlier. In case the petitioner is required to apply for fresh passport, the petitioner shall comply with the requisite formalities for the same. Accordingly the petition is allowed in the aforesaid

terms. Rule is made absolute to the aforesaid extent.

5. Since the respondents are not responsible for the mistake in question, the petitioner shall pay cost of this petition which is quantified at Rs.1,500-00 to the respondent, within two weeks from today. Direct service permitted.

Dt: 20-11-2000 (P.K. Sarkar, J)

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